GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department –Appeal Petition filed by Sri K. Venkateswarulu S/o Late K. Bazaranna, Occ: Thoty, at Kurnool Medical College, Kurnool District, against the proceedings Rc.C6/854/M/2006, dated 28.06.2017 of the District Collector, Kurnool, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.MS.No. 71 Dated: 01-06-2018
Read the following.

1. Proceedings of the District Collector, Kurnool, Rc.C6/854/M/2006, dated 28.06.2017.
2. Appeal Petition filed by Sri K. Venkateswarulu S/o Late Bazaranna, Occ:Thoty, at Kurnool Medical College, Kurnool District, through his Counsel on 21.07.2017.
3. Govt. Memo No.687030/CV.2/2017, dated 11.08.2017.
4. Order of the Hon'ble High Court of A.P., Hyderabad in W.P.No.26439/2017, dated 08.08.2017.
5. From the District Collector, Kurnool. Lr. No.Rc.C6/665/M/2017, dated .09.2017.
6. Govt. Memo No.687030/CV.2/2017, dated 20.03.2018.

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ORDER:

In the reference 1st read above, the District Collector, Kurnool has issued orders cancelling ST-Koya caste certificate obtained from the then Mandal Revenue Officer, Pattikonda in the year 1995 by Sri K. Venkateswarulu S/o Late K. Bazaranna.

2. In the reference 2nd read above, Sri K. Venkateswarulu S/o Late K. Bazaranna, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Kurnool. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, Kurnool in the reference 3rd read above.

3. In the reference 4th read above, Sri K. Venkateswarulu S/o Late K. Bazaranna has filed W.P.No.26439 of 2017 before the Hon'ble High Court of Andhra Pradesh, Hyderabad, against the proceedings of the District Collector, Kurnool dated 28.06.2017. The Hon'ble High Court of Andhra Pradesh, Hyderabad, while disposing the said WP on 08.08.2017 has directed the Government to dispose of the appeal, after affording opportunity to the petitioner, within four months from the date of receipt of the order, till the disposal of appeal, the impugned proceedings dated 28.06.2017 stands suspended.

4. In the reference 5th read above, the District Collector, Kurnool has furnished the Parawise remarks and connected records on the Appeal Petition filed by Sri K. Venkateswarulu S/o Late K. Bazaranna.

5. The said Appeal Petition has been posted for hearing on 16.09.2017 & 07.04.2018 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 3rd & 6th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The Appellant/ Counsel for the appellant have attended for the hearing scheduled on 07.04.2018 and argued the case before the Appellate Authority.

6. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks

[P.T.O]

submitted by the District Collector, Kurnool and proceedings of the District Collector, Kurnool dated 28.06.2017 the Appellate Authority is observed that :

I. The appellant in his grounds has stated that his ancestors were all ST-Koya having migrated from Tribal and hilly areas and moving from one village to another and moved from Kodumur, Gudur, Yemmiganur, Mantralayam, Adoni, Alur, Aspari and Pathikonda, who were living by saying astrology and selling herbal medicines ect. . Further he has stated that in school record his caste recorded as ST-Koya during the period 1963-65 and the same not considered by the District Collector.

II. The District Level Scrutiny Committee has observed that the Tahisldar, Pathikonda has reported that during the enquiry, the appellant told that his parents had come from Mahaboobnagar District and in child hood he studied up to V Class in Peddapadu Village of Kallur Mandal. After that they went to Gudur, Yemniganur and lastly reached to Pattikonda and resided in the Premises of Sri Ankalamma Temple and then local people called them as Koyas. At that time, some Koya people have obtained Koya certificates by the then Mandal Revenue Officer, Pattikonda. The Tahsildar, Pattikonda submitted that during the year 1995 present Caste Certificate holder also might have obtained the caste certificate, as he got interview for the post of "Thoti" at that time. When they were living in Pattikonda they were eaking out their lively hood by way of telling Legend and old traditional stories to the public in night times and begging in day times and presently they are being called as Budaga Jangam. Some of families obtained Budaga jangam Caste Certificate by the then Mandal Revenue Officer, Pattikonda. Further he has reported that the Village Revenue Officer and respectable Ryoths of Pattikonda have stated that in the year 1990, some of migrated families came to Pattikonda and lived in small huts in the outskirts of Pattikonda Village; presently it is called as (Koya Nagar old) Budaga jangam Colony and the appellant also resided in those days and left the Village and went to Kurnool and some of his relatives residing in Budaga jangam Colony of Pattikonda Village. Finally the Tahsildar, Pathikonda has reported that the appellant is a migrated person and lived in Pattikonda for some time, after that he went to Kurnool and resided in Budaga Jangam Colony of Bhudhawarpeta. His contemporaries and relatives are residing in Budaga Jangam Colony of Pattikonda Village. This issue is pending before the Government. The Tahsildar, Pathikonda finally concluded that the appellant belongs to Budaga jangam Caste. Before the DLSC he has not produced any documents in support of his ST-Koya community claim. Based on the findings of the DLSC, the District Collector has cancelled the appellant's caste certificate.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority is observed that during the course of hearing of the case, the appellant submitted his arguments as per his grounds in appeal petition and stated that the lower authority failed to consider that his ancestors were all Koya having migrated from tribal areas and moving from one village to another and in educational career he was treated as Koya and taking into consideration of his family that his case may be considered to conclude his Community. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any evidence that he belongs to ST Community. It is further observed that the appellant did not produce any documentary evidence in support of his claim and further observed as per

[Contd..on P.3]

the record, the appellant was not brought up in Koya culture and not accepted by tribal community. That, as per the Act that the burden of proof lies on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case, the appellant except relaying the evidence filed before the lower authority failed to produce any additional material for re-appreciation of the case on hand. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity in the findings of the learned District Collector, Kurnool District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference .

7. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri K. Venkateswarulu S/o Late K. Bazaranna, does not deserve any interference. Hence, Proceedings of the District Collector, Kurnool issued vide Rc.C6/854/M/2006, dated 28.06.2017, is hereby upheld and the Appeal Petition filed by Sri K. Venkateswarulu S/o Late K. Bazaranna, is hereby dismissed and the Certificate issued by the then Mandal Revenue Officer, Pattikonda is deemed to be cancelled.

8. The District Collector, Kurnool is directed to take necessary consequential action in the matter.

9. The records (containing Rc.C6/854/M/2006, pages CF: 1-451 & NF: 1-67) received from the District Collector, Kurnool through the reference 5th read above, are returned herewith in original to the District Collector, Kurnool and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Kurnool.(BY RPAD)
(with original records).

Sri K. Venkatateswarlu,
S/o Late K. Bazaranna,
R/o D.No.46/199, Budhwarpet,
Kurnool, Kurnool District,
PIN Code: 518 002.

Mr. A. Rama Subbaiah, Advocate,
D.No.3-1-352, Mythri Nagar,
L.B. Nagar,Hyderabad-500 074.

Copy to:
The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE& TWE).
The PS to Principal Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER